



General Assembly

February Session, 2012

Raised Bill No. 393

LCO No. 1451

01451_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING REPAYMENT OF STATE AID BY A RECIPIENT
WHOSE DEATH IS CAUSED BY THE STATE'S NEGLIGENCE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-93 of the 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2012*):

4 (a) If a beneficiary of aid under the state supplement program,
5 medical assistance program, aid to families with dependent children
6 program, temporary family assistance program or state-administered
7 general assistance program has or acquires property of any kind or
8 interest in any property, estate or claim of any kind, except moneys
9 received for the replacement of real or personal property, the state of
10 Connecticut shall have a claim subject to subsections (b) and (c) of this
11 section, which shall have priority over all other unsecured claims and
12 unrecorded encumbrances, against such beneficiary for the full
13 amount paid, subject to the provisions of section 17b-94, to the
14 beneficiary or on the beneficiary's behalf under said programs; and, in
15 addition thereto, the parents of an aid to dependent children
16 beneficiary, a state-administered general assistance beneficiary or a

17 temporary family assistance beneficiary shall be liable to repay, subject
18 to subsection (c) of this section and the provisions of section 17b-94, to
19 the state the full amount of any such aid paid to or on behalf of either
20 parent, the beneficiary's spouse, and the beneficiary's dependent child
21 or children, as defined in section 17b-75. The state of Connecticut shall
22 have a lien against property of any kind or interest in any property,
23 estate or claim of any kind of the parents of an aid to dependent
24 children, temporary family assistance or state-administered general
25 assistance beneficiary, in addition and not in substitution of its claim,
26 for amounts owing under any order for support of any court or any
27 family support magistrate, including any arrearage under such order,
28 provided household goods and other personal property identified in
29 section 52-352b, real property pursuant to section 17b-79, as long as
30 such property is used as a home for the beneficiary and money
31 received for the replacement of real or personal property, shall be
32 exempt from such lien.

33 (b) Any person who received cash benefits under the aid to families
34 with dependent children program, the temporary family assistance
35 program or the state-administered general assistance program, when
36 such person was under eighteen years of age, shall not be liable to
37 repay the state for such assistance.

38 (c) No claim shall be made, or lien applied, against any payment
39 made pursuant to chapter 135, any payment made pursuant to section
40 47-88d or 47-287, any moneys received as a settlement or award in a
41 case brought by, or on behalf of, a beneficiary whose death was caused
42 by the negligence of the state, a housing or employment or public
43 accommodation discrimination case, any court-ordered retroactive rent
44 abatement, including any made pursuant to subsection (e) of section
45 47a-14h or section 47a-4a, 47a-5 or 47a-57, or any security deposit
46 refund pursuant to subsection (d) of section 47a-21 paid to a
47 beneficiary of assistance under the state supplement program, medical
48 assistance program, aid to families with dependent children program,
49 temporary family assistance program or state-administered general

50 assistance program or paid to any person who has been supported
 51 wholly, or in part, by the state, in accordance with section 17b-223, in a
 52 humane institution.

53 (d) Notwithstanding any provision of the general statutes,
 54 whenever funds are collected pursuant to this section or section 17b-
 55 94, and the person who otherwise would have been entitled to such
 56 funds is subject to a court-ordered current or arrearage child support
 57 payment obligation in a IV-D support case, such funds shall first be
 58 paid to the state for reimbursement of Medicaid funds granted to such
 59 person for medical expenses incurred for injuries related to a legal
 60 claim by such person which was the subject of the state's lien and such
 61 funds shall then be paid to the Bureau of Child Support Enforcement
 62 for distribution pursuant to the federally mandated child support
 63 distribution system implemented pursuant to subsection (j) of section
 64 17b-179. The remainder, if any, shall be paid to the state for payment of
 65 previously provided assistance through the state supplement program,
 66 medical assistance program, aid to families with dependent children
 67 program, temporary family assistance program or state-administered
 68 general assistance program.

69 (e) The Commissioner of Social Services shall adopt regulations, in
 70 accordance with chapter 54, establishing criteria and procedures for
 71 adjustment of the claim of the state of Connecticut under subsection (a)
 72 of this section. The purpose of any such adjustment shall be to
 73 encourage the positive involvement of noncustodial parents in the
 74 lives of their children and to encourage noncustodial parents to begin
 75 making regular support payments.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	17b-93

Statement of Purpose:

To prevent the state from recouping public assistance payments from the proceeds of a cause of action brought by or on behalf of a recipient whose death was caused by the state's negligence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]